

EXHIBIT 60

Highly Confidential - Brent Wright

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 _____
5)
6) Civil Action No.
7 In Re FLINT WATER CASES) 5:16-CV-10444-JEL-MKM
8) (Consolidated)
9)
10) Hon. Judith E. Levy
11) Mag. Mona K. Majzoub
12)
13 _____)

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18 HIGHLY CONFIDENTIAL
19 VIDEOTAPED DEPOSITION OF BRENT WRIGHT
20 Tuesday, December 3, 2019
21 at 9:08 a.m.

22
23
24 Taken at: Butzel Long
41000 Woodward Avenue
Bloomfield Hills, Michigan 48304

25 REPORTED BY: LAURA STEENBERGH, RPR, CRR, RMR, CSR-3707
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12 ALSO PRESENT:

13 Jeff Gudme - Videographer

14

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1 A. Because I -- we had to do it.

2 Q. You had to do it to make the water safe?

3 A. Well, we had to do it with Lake Huron water.

4 Q. Yep.

5 A. So going forward you're looking at running this plant in
6 an interim of two to maybe three years, and then
7 switching over to KWA. So there were things that, like
8 we have to soften Flint water. I don't have to soften
9 Lake Huron water. But softening produces a lot of
10 sludge.

11 So we looked at -- first we looked into sludge
12 presses, which also has to be operated by one individual
13 24/7, you know, so you had to have guys that just worked
14 the sludge press system. That was \$20 million. It
15 didn't make sense. Why would we put \$20 million into a
16 system we're going to use for two to three years.

17 So we went for the DEQ about using our Bray
18 Road sludge lagoon that was used back in the '60s, and
19 they said we could do that if we met some different
20 criteria. So that's what we did, we hired -- and it
21 cost us about \$2 million to upgrade that system and do
22 what we needed -- what the DEQ wanted us to do, and
23 implement that so we could use it. I want to say it was
24 like July of 2013 I sat in a meeting with the DEQ.

1 Q. Is that Busch and Prysby?

2 A. Yes. And went through everything that -- on a list, and

3 Mr. Green was in the room, too, so was Mike Glasgow.

4 Went through a list of requirements that the DEQ was

5 looking at us to do to get this plant up and going by

6 the spring of 2014. The last thing on the list was

7 corrosion control.

8 Q. Corrosion control. Why did you want corrosion control?

9 A. We were already -- there was already a -- Detroit's

10 already feeding it, we knew we'd have to feed it when

11 Lake Huron water got here. It's not expensive.

12 Q. You said it was not expensive?

13 A. It's not expensive.

14 Q. Okay.

15 A. It doesn't hurt. I mean, the system's not expensive.

16 The system to put in to pump it in.

17 Q. It helps create and maintain the passivation layer

18 inside the pipes, right?

19 A. Correct.

20 Q. Okay. So you wanted to do this?

21 A. Yeah, I did.

22 Q. Who put the kibosh on it?

23 A. We were told by the State, Steve Busch and Mike Prysby,

24 let's see what your lead and copper sampling does first.

1 Q. Okay. So --

2 A. Before we're going to require you to implement that.

3 Q. Did anybody in this meeting that you just referenced

4 where Busch and Prysby said, oh, let's just wait and

5 see, anybody say do we have the right to utilize

6 pregnant women and infant children in the City of Flint

7 as guinea pigs to determine whether or not the water was

8 sufficiently potable and drinking without getting them

9 sick? Anybody raise that topic?

10 MR. KIM: Object as to form.

11 BY MR. CAMPBELL:

12 Q. You can answer.

13 MR. MORAD: Do you understand the question?

14 THE WITNESS: Yeah, I understand the question.

15 A. I would say no, that was not said. But looking at

16 previous lead and copper sampling, we were fine, but we

17 also, you know, like I said, they maintained a

18 maintenance level from Detroit on phosphate. I was

19 instructed by Mr. Glasgow that we were a softening plant

20 and our water won't be corrosive.

21 BY MR. CAMPBELL:

22 Q. Okay. So the decision-makers on corrosion control in

23 the context of the switch to the Flint River were

24 effectively Mr. Busch and Mr. Prysby?

1 MR. KUHL: Objection to form.

2 THE WITNESS: Yes.

3 MR. CAMPBELL: All right. I'll pass the
4 witness, reluctantly.

5 MR. ERICKSON: Let's go off the record.

6 THE VIDEOGRAPHER: We're going to go off the
7 record, the time is 10:19.

8 (A short recess was taken)

9 THE VIDEOGRAPHER: We're back on the record at
10 10:41.

11 MR. ERICKSON: Good morning, Mr. Wright. As I
12 introduced myself earlier, my name is Phil Erickson, I
13 represent the LAN Defendants and their parent company,
14 Leo A Daly, and I'll be the next questioner for roughly
15 the next hour.

16 EXAMINATION BY MR. ERICKSON:

17 Q. When you became -- in you connection with your work at
18 the Flint water plant, did there come a point in time
19 when you became aware of a report called the Phase II
20 report?

21 A. Yes.

22 WRIGHT EXHIBIT 37

23 Final Report Water Treatment

24 Plant Rehabilitation - Phase II

1 WAS MARKED BY THE REPORTER

2 FOR IDENTIFICATION

3 BY MR. ERICKSON:

4 Q. Take a look at what we've marked as Exhibit 37.

5 MR. ERICKSON: And there are extra copies for
6 you, Mr. Morad.

7 BY MR. ERICKSON:

8 Q. Is this the Phase II report that you recall referencing
9 in connection with your work for the City of Flint?

10 A. Yes.

11 Q. I'm not going to ask you anymore questions about it
12 right now.

13 WRIGHT EXHIBIT 38

14 Preliminary Engineering Report -

15 Karegnondi Water Authority

16 WAS MARKED BY THE REPORTER

17 FOR IDENTIFICATION

18 BY MR. ERICKSON:

19 Q. Next let me show you what we've marked as Exhibit 38.

20 It's the top one there.

21 In connection with your work at the City of

22 Flint, did you become aware of a report called

23 Preliminary Engineering Report, Lake Huron Water Supply

24 Karegnondi Water Authority from September 2009?

1 keeping MDEQ informed about what the city was doing
2 during that time?

3 A. Yes.

4 Q. At the water plant. What kind of information were you
5 providing to MDEQ?

6 A. Just progress. If I, you know, if we needed to do --
7 MDEQ has to approve any changes, mechanical changes, you
8 know, equipment changes, we'd send them engineering
9 drawings and reports and they have to do a final
10 approval on those before we can even implement doing any
11 upgrades or doing any repair work. I mean, repair work
12 is not -- you know, you never had to really get a hold
13 of DEQ for that, you know, I'm repairing a pump that
14 went down, but if you're putting new, something new in,
15 they had to -- it had to go through the DEQ before you
16 could even do the work.

17 Q. So as far as you know, was MDEQ informed about all of
18 the upgrades that were done to the plant between 2013
19 and 2015?

20 A. Yes.

21 Q. Okay. I want to direct your attention to what I believe
22 Mr. Erickson previously offered as Exhibit 45.

23 A. Yes.

24 Q. And you can see that your name is there at the top of

1 this sheet, correct?

2 A. Correct.

3 Q. Okay. And you mentioned Warren Green from LAN earlier,
4 this would be -- he was present at that meeting as well?

5 A. Yes.

6 Q. Okay. Let me just go back.

7 And this is the -- you understand that this is
8 the sign-in sheet for a meeting that was held on June
9 26th, 2013, is that your understanding?

10 A. Yes.

11 Q. Okay. And is the name below Warren Green Jeff Hansen?

12 A. Yes.

13 Q. And was he present that day, to your recollection?

14 A. Yes.

15 Q. Okay. And do you know the name that's written below
16 that? It's --

17 A. Jon Bloemker.

18 Q. Jon Bloemker?

19 A. Yeah.

20 Q. And do you recall he's from DEQ?

21 A. Yes.

22 Q. Do you know what his role was at DEQ?

23 A. At that time, no.

24 Q. Okay. And then the name below that is Elger Brown?

1 A. Yes.

2 Q. And do you recall him being present?

3 A. Yes.

4 Q. Do you know what organization or entity he was there as
5 a part of?

6 A. He worked for O'Malley Consulting.

7 Q. And what was their role?

8 A. Their -- I think they were more involved with the KWA.

9 Q. Okay.

10 A. O'Malley Consulting was involved with Flint on Phase I.
11 During Phase I from 1998 to 2005, '06, O'Malley
12 Consulting was involved then. But I think their role
13 was with KWA then. They didn't really have a role with
14 Flint.

15 Q. And the name below that is David Jansen, do you see
16 that?

17 A. Yes.

18 Q. Do you recall if he was present at that meeting?

19 A. Yes.

20 Q. And it appears the Genesee County WWS?

21 A. Yeah.

22 Q. Do you know what that WWS stands for?

23 A. Water and Waste Services.

24 Q. Okay. And do you know what his role at Genesee County

1 Water and Waste Services is?

2 A. Yeah. He was assistant director.

3 Q. Okay. Below that, Jim Redding?

4 A. Yes.

5 Q. And do you see that he's from Rowe, according to the
6 sign-in sheet?

7 A. Um-hum (affirmatively).

8 Q. Do you recall him being present?

9 A. Yes.

10 Q. Okay. And then do you see below that Steven Busch from
11 DEQ?

12 A. Yes.

13 Q. And Michael Prysby from DEQ?

14 A. Yes.

15 Q. And do you recall that they were present?

16 A. Yes.

17 Q. And then below that you see Daugherty Johnson, Robert
18 Bincsik and Mike Glasgow from the city of Flint?

19 A. Yes.

20 Q. And do you recall them being present?

21 A. Yes.

22 Q. Now, I believe you previously -- if you can turn your
23 attention to what was previously offered as Exhibit 46.

24 A. Yes.

1 Q. And the second page of that, I believe. I believe that
2 was -- okay. And again, the handwriting here is
3 sometimes hard to read. But you can see that those
4 notes reflect that other regulatory issues was
5 discussed?

6 A. Yeah, I see that.

7 Q. And do you recall discussing regulatory issues at that
8 June 26th meeting?

9 A. I don't remember.

10 Q. Okay. Do you remember discussing lead and copper rule
11 issues at the June 26th meeting?

12 A. No, I don't remember.

13 Q. Okay. I believe earlier you testified that the -- that
14 the issue of whether corrosion control came up at that
15 meeting? Is that -- do you remember that?

16 A. What meeting?

17 Q. At the June 26th meeting you -- well, today earlier you
18 testified that at that June 26th meeting that the issue
19 of corrosion control was raised?

20 A. I don't recall this meeting. I mean, I don't recall.
21 The only meeting that I recall that corrosion control,
22 only a handful of these people were in that meeting.

23 Q. Okay. When was the meeting at which -- when was the
24 meeting that you remember discussing corrosion control

1 at?

2 A. It was either late June, early July. And that's when I
3 sat down with the DEQ and --

4 Q. Okay. And so in that meeting the DEQ was present?

5 A. Yeah. That was the meeting that I spoke of earlier that
6 Steve Busch, Mike Prysby, Mike Glasgow and myself, Jeff
7 Hansen and Warren Green, and we were going through a
8 list of things that we needed to move forward on when we
9 switched in 2014.

10 Q. Okay.

11 A. And that's when I -- that's the meeting I recall where I
12 had brought up, you know, it was the last thing on the
13 list, it's the last thing that would get fed out of the
14 plant, was the phosphate feed system or corrosion
15 control.

16 Q. Okay. Now, you say late June, early July. Is that late
17 June, early July of 2013?

18 A. Yes.

19 Q. Okay. And what was the response when you brought the
20 phosphate feed system?

21 A. Like I stated earlier, they said let's see what your
22 lead and copper sampling.

23 Q. And who was they in that case?

24 A. I'm sorry. Mike Prysby and Steve Busch.

1 Q. Okay. I'm going to direct your attention to what I'm
2 offering as Exhibit Number 54.

3 WRIGHT EXHIBIT 54

4 4/16/14 MDEQ Letter - Bates

5 Number 7-6-16 SOM-Mason 00070745

6 WAS MARKED BY THE REPORTER

7 FOR IDENTIFICATION

8 BY MR. KIM:

9 Q. Okay. Now, is this a letter from the MDEQ to yourself?

10 A. Yes.

11 Q. And did you receive this on or some -- shortly after
12 April 16th, 2014?

13 A. Um-hum (affirmatively).

14 Q. And did this letter set out the drinking water
15 monitoring schedule that was to be used given that the
16 Flint water plant would be put into operation as the
17 primary water plant for the city of Flint?

18 A. Yes.

19 Q. Okay. Would the water monitoring schedule -- if there
20 was a requirement to implement corrosion control would
21 the water monitoring schedule have reflected that?

22 A. Yes.

23 Q. And so did the monitoring schedule that you were
24 provided reflect that there was any corrosion control

1 requirements?

2 A. Depending on when we did the testing and what our
3 results were that came back from that testing.

4 Q. Okay. So the only directive in the instructions that
5 you were given by MDEQ was that the city was to be
6 monitoring --

7 A. Lead and copper.

8 Q. -- for lead and copper level?

9 A. Yes.

10 Q. So there was no directive at that time, that time being
11 April 16th, 2014, to implement any form of corrosion
12 control from the MDEQ?

13 A. No.

14 Q. I'm going to direct your attention to what I've offered
15 as Exhibit Number 55.

16 WRIGHT EXHIBIT 55

17 Water Quality Optimization Strategy -

18 Bates Number COF_FED_0551494

19 WAS MARKED BY THE REPORTER

20 FOR IDENTIFICATION

21 BY MR. KIM:

22 Q. Now, this is a March -- an e-mail that was sent by
23 Steven Busch on March 17th, 2015.

24 Do you agree?

1 A. Yes.

2 Q. Okay. Do you recall receiving this e-mail?

3 A. It looks familiar.

4 Q. Okay.

5 MR. KUHL: What's the number on that one?

6 MR. KIM: The Bates number is COF --

7 MR. KUHL: No, exhibit number.

8 MR. KIM: Exhibit Number 55.

9 BY MR. KIM:

10 Q. Now, does this e-mail discuss essentially improving the
11 City's water quality?

12 A. Yes.

13 Q. Okay. And are these essentially instructions from DEQ
14 as to steps that the city should be taking?

15 A. Yes.

16 Q. Did you interpret these as instructions from the DEQ as
17 to steps the city should be taking?

18 A. Yes.

19 Q. To your knowledge did anyone at the city consider these
20 to be optional?

21 A. Not to my knowledge.

22 Q. Okay. If you can review the actions that were -- that
23 are listed here, do any of these actions have to do with
24 corrosion issues?

1 A. Yeah.

2 Q. Okay. And does this document say -- does this document
3 report on the lead and copper testing that had been
4 conducted in the city of Flint from the second -- from
5 the second half of 2014 and the first half of 2015?

6 A. Yes.

7 Q. Or actually, let me correct that. It says January 1,
8 2015 through June 30th, 2015?

9 A. Yeah.

10 Q. And did that testing -- did this show that the 90
11 percentile for lead was an 11 parts per billion?

12 A. Yes.

13 Q. And does that -- does the document also state that the
14 action level for lead is 15 parts per billion?

15 A. Yes.

16 Q. Okay. And does that match with your understanding of
17 what the regulatory requirements were?

18 A. Yes.

19 Q. Can you turn to page 2. The second paragraph there.
20 Can you read the first sentence of that paragraph?

21 A. It says:

22 While the City's LCR compliance monitoring has
23 continued to meet action level requirements, LCR also
24 requires all large systems of serving over 15,000 people

1 to optimize corrosion control regardless of the 90th
2 percentile lead concentration.

3 Q. Okay. So at this time to your knowledge did the city
4 have in place a corrosion control -- had the city
5 implemented an optimized corrosion control policy
6 program?

7 A. Not to my knowledge.

8 Q. Okay. Until this time had the city been instructed to
9 implement a corrosion control program by the MDEQ?

10 A. Not that I can remember.

11 Q. Okay. So to the best of your recollection does this --
12 would this be the -- this document, dated August 17th,
13 2015, represent the first time that the MDEQ imposed a
14 requirement to implement corrosion control with the city
15 of Flint's water plant after the switched to the Flint
16 River?

17 A. Yes. It would --

18 Q. Okay. If I can direct your attention to Exhibit 58.

19 WRIGHT EXHIBIT 58

20 9/10/15 E-Mail - Bates

21 Number COF_0154438

22 WAS MARKED BY THE REPORTER

23 FOR IDENTIFICATION

24

1 BY MR. KIM:

2 Q. And is this an e-mail that you sent on September 10th,
3 2015?

4 A. Yes.

5 Q. Do you remember sending this e-mail?

6 A. Vaguely, yes.

7 Q. Okay. Do you remember who Jeremy Nakashima is?

8 A. Yes.

9 Q. Who is Jeremy Nakashima?

10 A. He's an engineer for LAN.

11 Q. And what was the purpose of sending this e-mail?

12 A. I believe that at this time we were installing a
13 phosphate feed system.

14 Q. Okay. And what is a phosphate feed system?

15 A. It introduces phosphoric acid into the distribution
16 system to coat pipes.

17 Q. And so is that a method of corrosion control?

18 A. Yes.

19 Q. So it would be fair to say that within -- now, this is
20 September 10th, 2015, which is less than a month after

21 you received the August 15 letter from the MDEQ

22 instructing the city to implement corrosion control the

23 city had done preparations to implement corrosion

24 control?

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2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
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12 VIDEOTAPED DEPOSITION OF BRENT WRIGHT - VOL 2
13 Wednesday, December 4, 2019
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1 A P P E A R A N C E S (CONT'D)

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1 A P P E A R A N C E S (CONT'D)

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15 On behalf of DEQ Employee Defendants (via
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1 A P P E A R A N C E S (CONT'D)

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1 A P P E A R A N C E S (CONT'D)

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3 On behalf of Defendant Daugherty Johnson
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13 ALSO PRESENT:

14 Jeff Gudme - Videographer

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1 concerning to a water quality engineer, even water
2 treatment plant employees, isn't that right?

3 A. Yes.

4 Q. Were you concerned when you received the Leanne Walters
5 test results?

6 A. When I seen them, yes.

7 Q. Okay. Is there a reason why those test results weren't
8 shared with the Veolia staff who were in a conference
9 room upstairs at the Flint Water Treatment Plant?

10 A. Not that I know of.

11 MS. WEINER: Objection, assumes facts in not
12 in evidence, mischaracterizes testimony.

13 THE WITNESS: Not that I recall, not that I
14 know of.

15 BY MS. DEVINE:

16 Q. Sure. Did you share the Leanne Walters test results
17 with the meeting?

18 A. No, I didn't. Mike Glasgow mostly dealt with the Leanne
19 Walters. I had met her a few times at the plant, he
20 brought me into a lab, introduced me to her. The -- the
21 first time I met Leanne Walters I actually gave her a
22 tour of plant.

23 Q. Okay.

24 A. And then she mostly dealt with Mike, Mike Glasgow. I

1 know that there was a lot of testing going on at her
2 house.

3 Q. Would it surprise you that none of those test results or
4 information were shared with Veolia while they were
5 on-site?

6 MS. WEINER: Object to form.

7 THE WITNESS: I don't know why they weren't
8 shared with them.

9 BY MS. DEVINE:

10 Q. Do you think that would be an important piece of
11 information to provide to Veolia?

12 A. The only thing I recall on the Leanne Walters situation
13 was that, for one, it didn't meet EPA's regulations on
14 -- it had a whole-house filter, and we're not supposed
15 to take lead results from homes with whole house
16 filters.

17 Q. Okay.

18 A. That's the only -- that's the one thing I do remember
19 that was -- and that may be why it wasn't shared.

20 Q. Do you recall a conversation with Daugherty Johnson in
21 February of 2015 where he told plant staff to make
22 preparations to switch back to Detroit due to water
23 loss?

24 A. Due to water loss?

1 Q. Yes. Out of a fear that the plant may run out of water
2 at some point.

3 A. That was actually me.

4 Q. Okay. And did you contact the Genesee County Drain
5 Commissioner's office?

6 A. Yes, I did. That was the first call I made, and then
7 the second call I made was the DEQ.

8 Q. And what came of that?

9 A. We were able to get the plant running better. We
10 couldn't keep up with the main breaks. We had a lot of
11 main breaks going on. The weather was really cold. And
12 the plant was maxed out trying to keep up with the main
13 breaks. Our reserves, clear wells had depleted.

14 Q. Sure.

15 A. And so this is going to take -- you don't just hit a
16 switch, you know, or open a valve. This is going to
17 take some time to put all this in place, so, I mean, we
18 still had time, but time was -- you know, it wasn't
19 looking good. And so I contacted the drain
20 commissioner, because they had control over the pipeline
21 now, and to let them know that there's a chance that we
22 are going to be switching, that we might need to take
23 Detroit water in.

24 Q. And it's true, isn't it, that Mr. Ambrose informed you

1 and informed Mr. Johnson that the city could not afford
2 to switch back to Detroit?

3 A. It wasn't going to happen is what I was informed.

4 Q. Due to financial concerns?

5 A. No, it was -- he didn't say anything about financial
6 concerns.

7 Q. This was Mr. Ambrose specifically?

8 A. Yes.

9 Q. He told you it's not going to happen?

10 A. It's not going to happen.

11 Q. And that was in when, February 2015?

12 A. That's -- that day. I mean, it happened --

13 Q. The time day that you contacted the drain commissioner?

14 A. Yeah. Everything happened within hours.

15 Q. Sure.

16 A. And --

17 Q. Do you know who Dell Harris is?

18 A. No, I don't.

19 Q. Okay.

20 MS. WEINER: I think we're going over our
21 time. If you have a just a couple of questions that's
22 fine.

23 MS. DEVINE: Yep, I just have two or three
24 questions. Thank you very much.